

HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.4709 of 2001

Between:

Chennamsetty Ammanna Kumar
and another.

... Petitioners

And

The Union of India,
represented by its Secretary,
Telecommunication Department,
New Delhi and two others.

...Respondents.

:: ORDER ::

Counsel for the petitioners : Sri R. Chakravarthy

Counsel for the respondents : Smt. C. Vani Reddy,
Additional Standing Counsel
for Central Government.

8th August 2007

In this petition, the petitioners have prayed for grant of a declaration that the actions of the respondents in disconnecting service provided to Telephone No.76591 of Undi Village, West Godavari District, belonging to petitioner No.1 and withholding release of new connection to petitioner No.2 are illegal. They have further prayed for issue of a mandamus to the respondents to restore service to Telephone No.76591.

It is borne out from the record that even though petitioner No.1 did not commit any default in payment of bills in relation to Telephone No.76591, the concerned authority disconnected the

service on the ground that the arrears of bill in respect of Telephone No.76456 standing in his father's name had not been paid.

While admitting the writ petition on 19-3-2001, this Court passed an interim order for restoration of service to Telephone No.76591 standing in the name of petitioner No.1.

At the hearing, learned Additional Standing Counsel for Central Government gave out that during the pendency of the writ petition, the department had instituted suit against the father of petitioner No.1 and the amount due has been recovered from him. She then stated that in view of the above development, the service provided to Telephone No.76591 will not be disconnected.

In view of the above, the writ petition is disposed of as infructuous with liberty to both the petitioners or either of them to file suit for damages against the officers of the Telephone Department, who may be responsible for illegal disconnection of service to Telephone No.76591. It will also be open to petitioner No.2 to apply for fresh connection.

As a sequel to disposal of the writ petition as infructuous, WPMP.No.6024 of 2001 and WVMP.No.2005 of 2002 are also disposed of as infructuous.

G.S. SINGHVI, C.J.

8th August, 2007.

ARS